

28th CIRCUIT LOCAL COURT RULES

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ADMINISTRATION

Rule 1. DIVISIONS OF COURT - No rule.

Rule 2. HOURS AND TERMS OF COURT

2.1 HOURS OF COURT

Court proceeding will commence at 9:00 o'clock a.m. unless otherwise ordered.

2.2 TERMS OF COURT

For purposes of jury selection and tenure there shall be two terms each year—the January term commencing on January 1st and continuing until June 30th; and the July term commencing July 1st and continuing until December 31st. (Effective 1-1-97)

2.3 LAW DAYS

For all other purposes there shall be a monthly term which shall commence on the first “Law Day” of the month, according to the published schedule of the law days published by the Circuit Judge, and continuing until the first such law day of the succeeding month. (Reference, Section 478.205, RSMo.)

2.4 PARTICULAR MATTERS ON PARTICULAR DAYS

The court will publish in advance a schedule of “Law Days” in the various Courts of the circuit for the hearing of motions and oral arguments thereon, ex parte matters uncontested matters and brief hearings and trials, and brief juvenile court hearings. The circuit clerk at the request of any party or of the court will schedule matters to be taken up on law days. Matters likely to require more than one-half hour should not be scheduled for law days except when set by the court.

Rule 3. PLEADINGS

3.1 CAPTION

Pleadings filed in the Circuit Court shall be entitled depending upon the division in which they are heard, “IN THE CIRCUIT COURT OF (stating the appropriated county) COUNTY, MISSOURI, GENERAL DIVISION” (cases filed with the Circuit Clerk, to be heard and determined by circuit judge), “IN THE CIRCUIT COURT OF (stating the appropriated county) COUNTY, MISSOURI, ASSOCIATE DIVISION” (cases filed with the Circuit Clerk, to be heard and determined by the associate circuit judge), “IN THE CIRCUIT COURT OF (stating the appropriated county) COUNTY, MISSOURI, PROBATE DIVISION”, “IN THE CIRCUIT

COURT OF (stating the appropriate county) COUNTY, MISSOURI, SMALL CLAIMS DIVISION”, “IN THE CIRCUIT COURT OF (stating the appropriated county) COUNTY, MISSOURI, MUNICIPAL DIVISION FOR CITY (town, etc.) OF (stating the appropriate county)”. (Effective 11-1-98)

3.2 STYLE - No rule. (Effective 10-1-87)

Rule 4. FILING OF CASES

4.1 CRIMINAL CASES

There shall be a central filing room in the Office of the Circuit Clerk of Barton County where all cases and pleadings, motions and papers related thereto shall be filed. (Effective 6-1-96)

There shall be a central filing room in the Office of the Circuit Clerk of Vernon County where all cases and pleadings, motions and papers related thereto shall be filed. (Effective 1-1-97)

There shall be a central filing room in the Office of the Circuit Clerk of Dade County where all cases and pleadings, motions and papers related thereto shall be filed. (Effective 10-1-98)

There shall be a central filing room in the Office of the Circuit Clerk of Cedar County where all cases and pleadings, motions and papers related thereto shall be filed. (Effective 11-1-98)

4.2 CIVIL CASES - (See rule 4.1)

4.3 PROBATE CASES - (See rule 4.1)

4.4 JUVENILE CASES - (See rule 4.1)

4.5 SMALL CLAIMS CASES - (See rule 4.1)

4.6 MUNICIPAL CASES - (See rule 4.1)

4.7 FACSIMILE FILING AND SERVICE - (Effective 3-1-00)

(1) Authority for Rule

This rule is promulgated under the authority conferred by Missouri Supreme Court Rule 43.02(c). (Effective 1-1-97)

(2) Facsimile Filing Authorized

Any pleading or other document including an original filing, may be filed in any division of this court having, maintaining, or designating a

facsimile machine for receipt of such transmissions, by transmission of the same to such facsimile machine.

Any pleading or document filed by facsimile transmission shall have the same effect as the filing of the original document, even though it may be required to be verified, acknowledged, or sworn to by some other method.

The pleading or document shall be deemed filed, subject to subparagraphs 3 and 4 of this rule on the date and at the time actually received at the office of the Clerk.

Risk of loss in transmission, receipt or legibility is upon the person or party transmitting or filing by facsimile.

If the document is not received by the Clerk or if it is illegible, it is deemed not filed, except that in the case of partial illegibility, that part which is legible is deemed filed.

Subject to subparagraph 3 of this rule, the person filing the pleading or other document by facsimile transmission shall retain the original and make it available upon order of the Court.

(3) Filing of Original, When.

If the pleading or document is one which requires any oath, verification, acknowledgment, jurat or affidavit, the original of the same shall be transmitted to the Court the next business day following the date of facsimile transmission.

Such original pleading or document shall be transmitted by personal delivery to the Court, or by depositing in the United States Mail (First Class postage prepaid), addressed to the Clerk of the appropriate division.

If the original of said pleading or document is not received by the court within four (4) business days of the next business day following facsimile transmission, the pleading or document and its filing may be stricken by the Court, on its own motion, or that of any other party.

The date of filing of the original filing or document shall relate back to the date of receipt of the document sent by facsimile transmission.

(4) When Filing Fee or Deposit Required.

No pleading or document, which requires a filing fee or deposit, shall be filed hereunder without advance payment of said filing fee or deposit.

(5) Court Orders Transmitted by Facsimile Transmission.

Court orders, judgments, or decrees, including warrants and search warrants may be transmitted to the Clerk of the various division, or others, by facsimile transmission, and until receipt of the originally signed order, as herein provided, they shall have the same effect and be acted upon by all persons as if they were the original executed by the Court.

The next business day following entry of an order which has been filed under this rule, the Court shall cause the original of the same to be transmitted to the Clerk of the Division so as to be received by the fourth (4th) business day following the filing it the same by facsimile transmission.

(6) Service by Facsimile Transmission.

Where service by ordinary mail or personal delivery is provided by Missouri Supreme Court Rule 43.01, or otherwise by law, such service may be made by facsimile transmission of a copy to any attorney or party to be served who maintains a device for receipt of facsimile transmission.

Publishing a facsimile phone line number by pleading, letterhead, or listing in a telephone directory, or otherwise, constitutes prima facie maintenance of a device for receipt of facsimile transmission.

Risk of loss in transmission, receipt or illegibility of the document transmitted by facsimile is upon the sender.

The document sent by facsimile transmission is presumed delivered and served unless otherwise indicated by the readout of the sender's device to the phone number indicated by the sender's readout and at the date and time of the end of transmission. The sender shall maintain a printout of such readout and file the same if ordered by the court.

Except in a case of Court orders, judgments or decrees, if a document is transmitted after 4:00 p.m. in the time zone in which it is to be received, service shall not be deemed to have occurred until the next business day.

(7) Facsimile Archive.

All facsimile filings must be on archivable paper. Those clerk's offices utilizing facsimile machines with thermal facsimile paper must make a copy of the facsimile paper or document transmitted and file a copy of the facsimile transmission as the original document in the file.

(8) Service, How Show.

Service by facsimile transmission shall be shown as provided in Missouri Supreme Court Rule 43.01(d).

(9) Business Day Defined.

A business day is any day not a Saturday, Sunday or holiday recognized as such by the Missouri Supreme Court through the Office of State Courts Administrator.

(10) Effective Facsimile Signature.

A facsimile signature shall have the same effect as an original signature.

(11) Effective Date of This Rule.

This rule shall be effective when filed with the Supreme Court, or on March 1, 2000, whichever date is sooner.

4.8 SPECIAL PROCESS SERVERS

Although formal requests and designation of persons to serve summons within the State of Missouri are no longer required, since the repeal of Supreme Court Rule 54.08, in any case in which a party specifically requests the appointment of a special process server (pursuant to 506.140, RSMo, as amended) to serve process within the State of Missouri, such request may be granted by the Court Administrator, Circuit Clerk, or Deputy Circuit Clerk, which appointment shall be valid only for the case in which such person is specially appointed. Such requests shall state that the person to be appointed is a qualified person to serve process. (Effective 10-1-98)

4.9 PARTY INFORMATION SHEET (Effective 3-1-00)

A completed party information sheet shall accompany all case filings.

Rule 5. FEES AND COSTS

5.1 FILING FEE AND COURT DEPOSIT - (Effective 1-1-92)

GENERAL DIVISION

(1) FILING FEES

A filing fee of \$135.00 shall be paid at the time of filing any petition or other original pleading in the office of circuit clerk. In addition to the filing fee prescribed herein, a filing fee of \$125.00 shall be paid at the time of filing any petition or other original pleading alleging child abuse or neglect. In addition to the filing fee prescribed herein, if any petition filed requires service of summonses on more than one defendant, the clerk in whose office the petition is filed shall charge an additional filing fee of \$25.00 for each such additional summons to be served. In addition to the filing fee prescribed herein, if any petition filed requires attendance to Parent Education Program (see Rule 68.6) the clerk in whose office the petition is filed shall charge an additional filing fee of \$50.00. No clerk shall accept any petition or other original pleadings unless the filing fee, as aforesaid, has been paid; provided however, this provision shall not apply in cases filed in forma pauperis in compliance with Supreme Court rule or in cases of a type for which the amount of filing fee is specified by statute or Supreme Court rule or other.

The court will not accept payments by means other than cash or negotiable instrument. (Effective 7-1-00, updated 03-04)

(2) COUNTY LAW LIBRARY FEE

- (a) In all cases filed in circuit court which require payment of filing fees, the attorney for the party or parties filing the case shall deposit with the clerk a law library fee in the sum of \$15.00 in addition to all other deposits required and further provided no law library fees shall be required in cases filed under small claims procedures, applications for trial de novo, and cases filed by the county, state or any city. (Reference 514.470, V.A.M.S.) (Effective 1-1-97)

- (b) The circuit clerk of each county is designated treasurer of the law library fund for their respective county. On or before January 31st of each year each treasurer shall file with the presiding circuit judge an itemized, written report of library fee receipts and expenditures for the preceding year and a statement of the library fund balance as of the preceding December 31st.

(3) EXECUTIONS

Any party requesting execution to issue shall deposit such amount as may be set by the clerk but not to exceed \$40.00 in order to secure costs. (Effective 3-1-95)

ASSOCIATE DIVISION

(1) FILING FEES

A filing fee of \$90.00 shall be paid at the time of filing any petition or other original pleading in the office of the circuit clerk for the associate division. In addition to the filing fee prescribed herein, if any petition filed requires service of summonses on more than one defendant, the clerk in whose office the petition is filed shall charge an additional filing fee of \$25.00 for each such additional summons to be served. No clerk shall accept any petition or other original pleadings unless the filing fee, as aforesaid, has been paid; provided however, this provision shall not apply in cases filed in forma pauperis in compliance with Supreme Court rule or in case of a type for which the amount of filing fee is specified by statute or Supreme Court rule or other. (Effective 9-1-97)

The court will not accept payments by means other than cash or negotiable instrument. (Effective 7-1-00)

(2) COUNTY LAW LIBRARY FEE – (See rule 4.1)

(3) EXECUTIONS – (See rule 4.1)

5.2 COSTS – No rule.

5.3 WITNESS FEES – No rule.

5.4 WAIVER OF FEES – No rule.

5.5 MOTION FOR SECURITY – No rule.

5.6 TIME PAYMENT FEE FUND (Effective 03-04)

The Circuit Clerk of each county is designated as the Treasurer of the Time Payment Fee Fund for their county. The Circuit Clerk will collect the time payment fee pursuant to Section 476.055 RSMo. and report the account balance to the Court En Banc annually by the 15th day of December.

The Associate Circuit Judge of each county will allocate the use of the Time Payment Fee Fund after consultation with the Circuit Clerk of the county. The use will be reported to the Court En Banc at their next scheduled meeting. (Effective 03-05)

Rule 6. ASSIGNMENT OF JUDGES, CASES, AND TRANSFER OF CASES
(Effective 1-9-92)

6.1 ASSIGNMENT TO ASSOCIATE CIRCUIT JUDGE

The following classes of cases are hereby assigned, without further order, to the Associate Circuit Judge for the county where filed, who shall hear and determine them, to-wit:

- (a) Dissolutions of marriage, legal separations, annulments, and paternity actions.
- (b) Modifications of previously heard divorces, dissolutions, legal separations or annulments, including proceedings to enforce support orders, and to establish trusteeships through the Office of the Circuit Clerk.
- (c) Cases involving civil relief for nonsupport, by contempt or otherwise, and cases brought under the Uniform Reciprocal Enforcement of Support Act, and Title IV-D cases.
- (d) Adult abuse action, elderly abuse action and child protection orders actions.
- (e) All cases brought under Section 577.041, 302.535 or 302.309 RSMo., 1986 as amended.
- (f) Detention hearings required by the Juvenile Code or Supreme Court rules when the Circuit Judge is not available to hear the same.
- (g) Cases certified to the circuit court, general division, by the Municipal Courts requesting jury trial or trial de novo. (Effective 3-1-95)
- (h) All cases in which the parties have consented, in writing, to be heard by the Associate Circuit Judge, if consented to by said Judge. (Effective 6-1-96)

6.1.1 BY LOCAL COURT RULE OR ORDER – No rule.

6.1.2 SPECIAL ASSIGNMENT

- (1) In addition to those cases permitted to be heard by associate circuit judges by §478.225, V.A.M.S., associate circuit judges within the Twenty-eight Circuit shall hear such other types of case as may, from time to time, be assigned to a particular associate circuit judge by order of the presiding circuit judge pursuant to §478.240, V.A.M.S. Such special assignment may be in the county in which a particular associate circuit judge otherwise presides or may be in such other county within the Twenty eighth Circuit as specified by the presiding circuit judge.
- (2) Any case of the type normally heard by a circuit judge to which an associate circuit judge is assigned pursuant to this rule 6.1.2 shall be heard pursuant to the rules and procedures which apply to cases heard by circuit judges. The record in any such cases may be preserved, at the discretion of the associate circuit judge assigned thereto, by either electronic recording devise or court reporter unless otherwise directed by the presiding circuit judge.

6.2 ASSIGNMENT TO CIRCUIT JUDGE – No rule.

6.3 CERTIFICATION TO CIRCUIT DIVISION – No rule.

6.4 TRIAL DE NOVO – No rule.

6.5 DISQUALIFICATION OF JUDGE – (Effective 1-15-02)

Whenever a Judge is disqualified whether sua sponte or upon motion of a party, unless otherwise provided by specific order:

- (1) If the Judge disqualified is an Associate Circuit Judge, that Judge shall certify the case to the Presiding Judge for reassignment.
- (2) If the Judge disqualified is the Presiding Judge, that Judge shall certify the case to the Associate Circuit Judge having greatest seniority on the bench for reassignment.

6.6 ABSENCE OF JUDGE

In the absence of the resident associate circuit judge of any county in the circuit, any other associate circuit judge in the circuit may set as the associate judge of the county from which the associate judge is absent and perform all of the duties of the absent judge. (Effective 8-13-84)

6.7 ABSENCE OF PRESIDING JUDGE

In the event the presiding judge shall be absent from the circuit for an extended period, he may by order designate an associate circuit judge as acting presiding judge during his absence.

Rule 7. WITHDRAWALS OF PAPERS FROM CLERK'S OFFICE

7.1 WHEN ALLOWED

Court files shall not be removed from the clerk's office or the courtroom unless written authorization to remove such file is obtained from the court; provided however, the judge of any division of the court, the official court reporter of any division of the court or the division clerk of the associate circuit judge division of the court may remove court files for purposes of considering matters being tried or taken under submission or preparing transcripts of proceedings upon providing the circuit clerk with written receipt therefore. The circuit clerk of each county shall establish and maintain a procedure for accounting for all files removed from his or her office, and for acknowledging return of court files which are removed, and such procedure shall be maintained as part of the official records of the Office of Circuit Clerk of each county.

7.2 DUPLICATING POLICY – No rule.

Rule 8. PUBLICATION OF DOCKETS

8.1 TRIAL DOCKET – No rule.

8.2 DISMISSAL DOCKET

For failure of the plaintiff to prosecute (or the claimant in a counterclaim, cross-claim, or third party claim) the court may of its own motion, upon notice to the parties, place a case upon a dismissal docket. All cases in which six months has passed with no docket entry shall be put on the dismissal docket drawn up by the clerk. After the lapse of sixty days, the court may without further notice to the parties dismiss the same. (Effective 6-1-96)

Rule 9. COURTROOMS

9.1 ASSIGNMENT OF COURTROOM – No rule.

9.2 PLACE OF HEARING – No rule.

9.3 USE OF COUNSEL TABLE – No rule.

9.4 COURTROOM DECORUM AND DRESS

All matters pertaining to the court and its business must be carried on in an audible tone of voice and at a reasonable distance from the court bench.

Neither attorneys nor litigants shall be permitted to stand or lounge unreasonably near the court's bench, desk of the clerk, or reporter, unless the court calls both sides of a controversy to the bench for conference. Attorneys present in the courtroom during transaction of business by the court shall assist the court in maintaining order and proper decorum. This rule applies to all divisions. (Effective 8-13-84)

- 9.5 WHO IS PERMITTED WITHIN BAR – No rule.
- Rule 10. COURT REPORTERS AND COMPENSATION FOR SAME
Preparation of any transcript by an official court reporter for a record on appeal, except in appeals taken in forma pauperis, shall not begin until the person ordering such transcript makes a cash deposit with the reporter of such amount as the official court reporter reasonably estimates such transcript will cost. In the event any cash deposit as aforesaid exceed the cost of the transcript ordered the excess shall be refunded to the person who ordered the transcript upon its completion. In the event any such cash deposit is insufficient to pay for a transcript, the remaining unpaid portion of the cost thereof shall be due and payable from the person who ordered the transcript to the reporter who prepared it upon delivery of the transcript.
- In cases where an appellant is appealing as a pauper or indigent, the court reporter shall prepare an original and two copies of the transcript. (Effective 9-1-97)
- Rule 11. RECORDING OF JUDICIAL PROCEEDINGS – No rule.
- Rule 12. MONIES PAID INTO COURT – No rule.
- 12.1 BOND IN CIVIL CASES – No rule.
- Rule 13. COMMUNICATIONS WITH COURT – No rule.
- 13.1 ORAL COMMUNICATIONS WITH THE COURT- No rule.
- 13.2 WRITTEN COMMUNICATIONS WITH THE COURT – No rule.

GENERAL RULES

- Rule 21. ATTORNEYS
- 21.1 RESOLUTION OF CONFLICTING TRIAL SETTINGS – No rule.
- 21.2 ENTRIES OF APPEARANCE – No rule.

21.3 CONDUCT OF ATTORNEY – No rule.

21.4 WITHDRAWAL OF ATTORNEYS

The conditions under which an attorney is allowed to withdraw from the employ of a client are set out in Supreme Court Rule 4, Code of Professional Responsibility, Canon 2, Ethical Consideration 2-32 and Disciplinary Rule 2-110. An Attorney who desires to withdraw as attorney of record for any party to any action pending in this Court shall comply with the following procedures:

The attorney shall file a written motion requesting leave of court to withdraw. If the case is then set for trial, the reason for the request must be set forth in the motion. Attached to the motion shall be a notice of the date and time at which the moving attorney will call up the motion before the court for hearing. A copy of the motion and the notice shall be served upon all parties, including the client for whose employ the attorney is seeking leave to withdraw, in the manner provided by Supreme Court Rule 43.01. If the case in which the attorney is seeking leave to withdraw is a criminal case, the notice shall instruct the client that the client must appear in person at the hearing. The last know address of the client from whose employ the attorney is seeking leave to withdraw shall be plainly set out in the motion or the certificate of service thereon.

The attorney seeking leave to withdraw must appear in open court and call up the motion at the time specified in the notice. If the case in which the attorney is seeking leave to withdraw is a criminal case, it shall be the duty of the client to appear in person in compliance with the notice mentioned above.

If the client fails to appear, and if the attorney is granted leave to withdraw, the attorney shall immediately notify his former client by letter of the attorney's withdrawal and shall send a copy of the letter to the clerk. Such letter shall advise the former client of any scheduled court proceedings or pleading deadlines in the case.

21.5 FAILURE OF ATTORNEY TO ANSWER DOCKET CALL

On the dates that cases are set for trial or hearing, all attorneys who have trial settings shall be present in the courtroom when the matter is called unless excused by the court and, unless the attorney be present or be excused, the case will be heard by the court, continued, or stricken from the docket by the court as the court, in its discretion, deems appropriate. Cases not tried on the day for which they are set due to absence of counsel for a party plaintiff are subject to dismissal, without prejudice, for lack of prosecution. This rule applies to all divisions. (Effective 8-13-84)

21.6 APPOINTMENT OF ATTORNEYS – No rule.

21.7 AGREEMENT OF ATTORNEYS – No rule.

21.8 ADVICE TO CLIENTS AND WITNESSES OF COURTROOM PROCEDURES

- (1) All attorneys of record are to advise their clients not to discuss any phase of their case with the court.
- (2) When the exclusionary rule as to witnesses is invoked in any proceeding, each attorney has the duty to assure that his clients' witnesses comply therewith. If any witness violates that rule, whether willfully or otherwise, that witness shall not be permitted to testify except by consent of opposing counsel or unless the court, in its discretion, rules that justice requires such testimony to be received.
- (3) All attorneys are to advise their clients and witnesses not to discuss any matter related to a trial in process with any juror or in the presence of any juror.

Rule 22. APPOINTMENT OF GUARDIAN AD LITEM – No rule.

Rule 23. TRANSCRIPTS

Cash deposits, as required by rule 10 hereof, shall be made at such times as orders for transcripts for records on appeal are placed or promptly thereafter. Counsel for appellants shall consider that delays in providing sufficient deposits to permit commencement of transcribing trial records may prevent completion of transcripts within the time specified for the filing of records on appeal.

A copy of a court proceeding recorded on CD, shall be prepared and forwarded to a requesting party, when the established fee of \$50.00 has been paid to the Circuit Clerk of the county where the recording was made.(Effective 03-05)

Rule 24. EXHIBITS

All exhibits introduced during the trial of a case, except depositions, shall remain in the custody of the attorney or attorneys introducing the same and shall at all times be subject to examination by opposing counsel. At the close of the trial of any case the Official Reporter or clerk of the associate circuit judge division or clerk of the municipal court division shall take a receipt from the attorney to whom an exhibit has been

delivered and such receipt shall be filed in the court file and shall be conclusive evidence as to the possession of such exhibit.

PRE-TRIAL MATTERS

- Rule 32. DISCOVERY – No rule.
- 32.1 USE OF DISCOVERY AND CERTIFICATION TO CIRCUIT DIVISION – No rule.
- 32.2 INTERROGATORIES – No rule.
- 32.3 DEPOSITIONS – No rule.
- 32.4 MOTION FOR SANCTIONS – No rule.
- 32.5 CRIMINAL DISCOVERY – No rule.
- Rule 33. PRE-TRIAL MOTIONS – No rule.
- 33.1 HEARING DATES – No rule.
- 33.2 BRIEFS IN SUPPORT OF MOTION, WHEN REQUIRED – No rule.
- 33.3 ORAL ARGUMENTS – WHEN DESIRED AND HOW REQUESTED – No rule.
- 33.4 MOTIONS IN LIMINE – No rule.
- Rule 34. CONTINUANCES - (Effective 1-15-02)
Continuances will be granted only for good cause shown, and only on written application, timely made, with notice to opposing counsel and the Court. Motions for continuance are not self-enforcing and will not be granted without appearance before the Court, absent prior consent by opposing counsel. If a motion for continuance is filed less than seven (7) days prior to a scheduled matter, the motion shall certify that opposing counsel has been notified of the filing of said motion.
- In all cases set for trial, criminal or civil, the application must be filed no later than ten (10) days before trial. If the trial judge has not been designated more than ten (10) days before trial, then the application may be filed any time prior to trial. Costs, including jurors attendance fees, if any, which are incurred by reason of a continuance shall be assessed, at the discretion of the Court, against the party requesting the continuance.

34.1 CIVIL CASES

See rule 34 above.

34.2 CRIMINAL CASES

See rule 34 above.

Rule 35. PRE-TRIAL CONFERENCES – No rule.

Rule 36. SETTING CASES FOR TRIAL

36.1 REQUEST FOR TRIAL

(1) For a trial setting in any case in which the issues are joined and discovery is complete, or nearly so, or a reasonable time has elapsed for discovery, any party may informally request a trial setting and the court will set the case for trial.

(2) In lieu of the informal procedure described in paragraph (1) hereof, the court or any party may secure a trial setting by any of the procedures provided by Supreme Court Rule 63.01.

36.2 DATE OF CALENDAR CALL – No rule.

36.3 PREPARATION OF CALENDAR – No rule.

36.4 CALENDAR CALL – No rule.

36.5 REMOVAL AND INACTIVE CALENDAR

An inactive calendar or docket shall be maintained and cases dismissed for lack of prosecution upon their remaining thereon for more than six (6) months. The operation thereof shall be as prescribed by rule 8.2 of these rules. Rule 8.2 shall be strictly enforced. (Effective 9-1-97)

36.6 REVISION OF AND REMOVAL FROM PREPARED CALENDAR – No rule.

36.7 SPECIAL ASSIGNMENTS – No rule.

Rule 37. DISMISSALS

37.1 DISMISSAL DOCKET

The inactive docket as established by rule 8.2 hereof shall constitute the dismissal docket for cases filed in the office of the court clerks. The operation hereof shall be as prescribed by said rule 8.2 and shall be strictly enforced. (Effective 7-3-89)

37.2 REINSTATEMENT OF CAUSE

Once a case is placed on the inactive docket established by rule 8.2 hereof, that case may be reinstated to the active docket only upon written request.

SETTLEMENT AND DEFAULT

Rule 41. SETTLEMENT

41.1 NOTICE OF SETTLEMENT – No rule.

Rule 42. DEFAULT

Cases in default or in which consent judgments may be entered may be tried on any regular law day, or at any other time.

TRIALS

Rule 51. COURT-TRIED CASES

51.1 DEFAULT AND UNCONTESTED MATTERS – No rule.

51.2 CONTESTED MATTERS – No rule.

51.3 PREPARATION OF FINDINGS OF FACT AND CONCLUSIONS OF LAW

In court tried cases in which written findings of fact and conclusions of law are requested, the attorneys for the parties shall, after trial and within the time fixed by the court, submit proposed findings and conclusions to the court.

Rule 52. SELECTION OF JURY – No rule.

52.1 JURY QUESTIONNAIRES – No rule.

Rule 53. JURY TRIALS

(1) In all misdemeanor or civil cases tried before a jury in the Associate Division and in all cases tried before a jury in the Probate Division the Circuit Clerk shall be responsible for summoning a jury under such procedures applicable to trial before circuit judges.

(2) If a jury trial is requested in the General or Probate Division of the Circuit Court, or in a misdemeanor case pending in the Associate Division of the

Circuit Court, said request must be made to the clerk of the court in which the case is pending at least five (5) days before trial. (Effective 10-1-87)

53.1 INSTRUCTIONS

(1) CRIMINAL CASES

Prior to commencement of any jury trial of a criminal case, the prosecuting attorney shall prepare proposed jury instructions for use by the court.

(2) CIVIL CASES

The attorney for the plaintiff shall prepare the following instructions for use in jury trials of civil cases: cautionary, explanatory, facts not assumed, burden of proof, number of claims, package explanation and all applicable verdict forms. All parties shall have the proposed instructions they wish to submit prepared for tender to the court at the close of all evidence in the case including proposed verdict directions, definitions, damages, converse instructions and affirmative defense instructions.

53.2 CLOSING ARGUMENTS – No rule.

Rule 54. JUDGMENT ENTRY

54.1 CONTESTED CASES

Counsel for the party in whose favor an order is made or judgment or decree rendered shall prepare the formal order or judgment or decree and deliver the same to the clerk of the court within ten (10) days, with copy to opposing counsel. If opposing counsel objects to any proposed order, judgment or decree, that counsel shall promptly communicate such objection to the judge before whom the case was tried.

54.2 DEFAULT OR UNCONTESTED CASES

Counsel for the party in whose favor an order or judgment or decree is rendered shall prepare the formal order, judgment or decree and deliver the same to the clerk of the court within ten (10) days thereafter.

RULES RELATING TO PARTICULAR ACTIONS

Rule 60. CHILD CUSTODY OR PLACEMENT

In any matter involving the custody or placement of a child or children, the court may require any party to execute an affidavit stating whether any member of the household is required to register as a sex offender under the laws of any state.

Rule 61. ADOPTION

- 61.1 FILING REQUIREMENTS – No rule.
- 61.2 HOME STUDY – No rule.
- Rule 62. DRIVERS' CASES
 - 62.1 APPLICATION FOR HARDSHIP DRIVING PRIVILEGES – No rule.
 - 62.2 PETITIONS FOR REVIEW – No rule.
 - 62.3 BREATHALYZER TEST – No rule.
- Rule 63. ASSOCIATE DIVISION CASES
- Rule 64. CASES ARISING UNDER CHAPTERS 207 AND 208, RSMo 1978 (COMMONLY KNOWN AS TITLE IV-D AND H.B. 601 ACTIONS)
No rule.
- Rule 65. CIVIL COMMITMENT – No rule.
- Rule 66. CONDEMNATION – No rule.
- Rule 67. CRIMINAL CASES – No rule.
 - 67.1 PRE-TRIAL RELEASE – No rule.
 - 67.1.1 MOTIONS TO SET BOND AND FOR BOND REDUCTION –
No rule.
 - 67.1.2 DEPOSIT OF OPERATOR'S LICENSE – No rule.
 - 67.1.3 CASH BONDS

When a cash bond is posted, the receipt shall be made in the name of the defendant. Any money deposited shall be considered by the court as belonging to the defendant. If the defendant is found guilty, all assessments against the defendant, such as fines, court costs, and any other related court costs ordered by the judge may be deducted from the cash bond before any money is refunded to the defendant. A third party may claim any refundable money at the conclusion of the charges, only if the defendant has properly assigned the defendant's bond receipt to that third party.
 - 67.2 PRELIMINARY HEARING – No rule.
 - 67.3 GRAND JURY – No rule.

67.4 ATTORNEYS – No rule.

67.5 ARRAIGNMENTS – No rule.

67.5.1 IN GENERAL – No rule.

67.5.2 DATES – No rule.

67.6 DISCOVERY – No rule.

67.7 MOTIONS – No rule.

67.8 PLEA BARGAINING – No rule.

67.9 GUILTY PLEA – No rule.

67.9.1 WHERE ENTERED – No rule.

67.9.2 PETITION TO ENTER A PLEA OF GUILTY – No rule.

67.10 CALENDAR – No rule.

67.11 PROBATION AND PAROLE – No rule.

Rule 68. FAMILY LAW (updated 1-04)

Family Law for the purposes of this rule, will apply to Dissolution of Marriage, Legal Separation, Family Access, Motions for Modification, and Paternity cases.

This Rule 68 shall be applicable to all Family Law cases currently pending or hereafter filed in or transferred to Barton, Cedar, Dade, and Vernon Counties. To the extent a provision of any other local court rule conflicts with any provision of this Rule 68, this rule shall govern.

For the purposes of this Rule 68, “date of service” is defined as the date upon which service process of the initial pleading is obtained upon a responding party, or the filing date of an entry of appearance by a responding party waiving service of process of the initial pleading.

68.1 FILING REQUIREMENTS

At the time of filing the petition, the attorney for the petitioners shall file a Certificate of Dissolution of Marriage (Vital Statistics Report) on a form to be provided by the clerk, as required by Section 193.360, RSMo, 1978. (Effective 1-1-83)

68.2 FAMILY LAW INTERIM ORDER (Updated 1-04)

- (1) Immediately upon the filing of a petition for Dissolution of Marriage, Paternity, or Motion to Modify, the Court shall, unless good cause is otherwise shown, enter a Family Law Interim Order (Form 68-1). The clerk shall attach a copy of the Family Law Interim Order to the summons, and send a copy to the filing party, the filing parties attorney, or party who waives service of process.
- (2) Violation of the Family Law Interim Order may constitute contempt of court and subject the violator to fine, imprisonment, or other sanction as allowed by law, plus payment of attorney's fees and costs to the other party.
- (3) If either party is aggrieved by the Family Law Interim Order, a court hearing may be requested, however, the court urges the parties to attempt to resolve their dispute through mediation before requesting a hearing.
- (4) The Family Law Interim Order does not supercede any temporary or final Order of Protection that may already be in effect. The Order of Protection remains in full effect.

68.3 CONTESTED CASES (Updated 1-04)

Every family law action shall be considered a contested case unless:

- (1) All responding parties are in default, or
- (2) All parties file a stipulation in writing that the case is uncontested and setting forth the agreement of the parties for the resolution of all issues raised in the pleadings filed by any of the parties.

68.4 FILING OF FINANCIAL STATEMENTS (Updated 1-04)

- (1) In any contested case in which the award of property, maintenance, child support, attorney fees, or the division of debt is an issue, a "Statement of Income and Expenses," on the form substantially in accordance with Form OSCA CV-100, shall be completed by each party, executed under oath or affirmation, and served on the opposing party within forty-five (45) days after the date service. Each party shall file with the Circuit Clerk a Certificate of Service indicating compliance with this rule within such time period.
- (2) In any contested case in which the award of property, maintenance, child support, attorney fees, or the division of debt is an issue, a Statement of Assets and Debts on Form OSCA CV-105, shall be completed by each party, executed under oath or affirmation, and served on the opposing

party within sixty (60) days after the date of service. Each party shall file with the Circuit Clerk a Certificate of Service indicating compliance with this rule within such time period.

- (3) The parties by written agreement filed with the court may agree to use an alternate format for the exchange of income, expense asset and debt information other than by use of OSCA forms CV-100 and CV-105. Such written agreement shall certify to the Court that such alternate format provides for the exchange of no less identifying information than that as required on OSCA forms CV-100 and CV-105.
- (4) In any contested case in which the award of child support is an issue, a Missouri Supreme Court Civil Procedure Form No. 14 shall be completed by each party and served upon the opposing party, within sixty (60) days after the date of service. Each party shall file with the Circuit Clerk a Certificate of Service indicating compliance with this rule within such time period.

68.4.1 Required Document Production in Family Law Cases (Effective 1-04)

- (1) In any contested case in which the award of property, maintenance, child support, attorney fees, or division of debt is an issue, each party shall deliver to the other party, within sixty (60) days after the date of service, a complete and legible copy of each of the following documents in their possession or under their control:
 - (a) Any federal and state income tax returns (including all schedules, W-2, K-1 and 1099 forms) for the proceeding 3 calendar years; (updated 03-04)
 - (b) The last 6 pay periods “pay check” stubs or other evidence of wages, salaries or tips if no “paycheck” stub is issued;
 - (c) Any financial statements provided to a lender or prospective lender within the proceeding 3 calendar years;

The following documents, in addition to the preceding documents, shall be produced within such time period, only if the award of property or division of debt is an issue:

- (d) Any benefit statements wherein a party has an interest in any form of pension plan whether vested or non-vested;
- (e) The plan(s) relating to any pension benefits whether vested or non-vested;
- (f) Any deeds to real estate, notes, deeds of trust, leases, titles to motor vehicles, stock or bond certificates and any other evidence of ownership of an asset or interest in an asset claimed as marital or separate property;

- (g) The latest statement of account on all accounts held in any financial institution or brokerage firms;
 - (h) All declaration sheets or certificates of coverage for life insurance policies insuring the life of either party or a minor child involved in the proceedings;
 - (i) The most recent statement of value for any life insurance policy of either party or child, which has a cash value;
 - (j) Any appraisals relating to any marital or separate property done within the last thirty-six (36) months;
 - (k) Any trusts where a party is either the grantor or current income beneficiary of the trust;
 - (l) Any partnership agreements, operating agreements in any limited liability company and/or stock certificates in any corporation in which a party holds an interest; and, (updated 03-04)
 - (m) Promissory notes, deeds of trust, security agreements and the latest statement of account on any debts owed by either party.
 - (n) All balance sheets and/or income and expense statements received within the immediately preceding three (3) years with respect to any and all proprietorships, joint ventures, partnerships, realty trusts, corporations, limited liability companies (LLC), limited liability partnerships (LLP) or other legal entities in which is held a legal or equitable interest, individually or otherwise. (Effective 03-04)
- (2) **Additional Information to be provided.** For each document described in the preceding paragraph that is not produced by a party to the other, such party shall advise the other of the fact that such document may not now exist or has never existed, or that if such document exists, but is not in the possession or under the control of the delivering party, the name and current address of the person who has possession or control of the document.
- (3) **Certificate of Compliance Required.** Within the time period provided herein for the production of these documents each party shall file with the court a Certificate of Compliance with this rule.
- (4) **Information shall be updated prior to trial.** All interrogatories and document productions shall be updated and supplemented no less than ten (10) days prior to trial if any changes occur prior to the trial date, except significant changes such as employment, income, or expert witnesses which shall be updated immediately upon the happening of the event.

68.5 PRE-TRIAL CONFERENCE (Updated 1-04)

- (1) An initial Pre-Trial Conference in all family law cases shall be set on the court's first available family law docket following sixty (60) days after the date service.
- (2) Upon application or the court's own motion, the court may set subsequent Pre-Trial Conference's from time to time as are deemed necessary and appropriate to bring the case to an expeditious conclusion.
- (3) The clerk shall send notice of the date and time of any Pre-Trial Conference to all parties not in default and any attorneys who have entered an appearance in the case.
- (4) At any Pre-Trial Conference, the court will make inquiry as to the status of the case and may enter appropriate orders which may include, but are not limited to, ordering mediation, making discovery orders, setting the matter for trial, hearing evidence on and disposing of uncontested cases, or hearing any motion properly noticed for hearing by a party. A Pre-Trial Conference does not obviate the need for counsel to notice for hearing any motion deemed necessary. Unless any such motion is properly noticed for hearing, the court will not consider the same at any Pre-Trial Conference without consent of the opposing party and the court.
- (5) Upon application showing good cause, or the court's own motion, any Pre-Trial Conference may be continued to another date certain.
- (6) All non-defaulting party and all attorneys of record are required to attend and participate in each scheduled Pre-Trial Conference unless otherwise excused by the court in advance for good cause shown. (Updated 03-04)

68.6 REQUIRED EDUCATIONAL PROGRAMS (Effective 1-04)

- (1) Parent Education Program.

Effective October 1, 1998, in a petition for dissolution of marriage or motion to modify a decree, or any paternity cause, where there is at least one child under the age of seventeen, both parties to the dissolution or motion shall attend a court-approved educational session to educate parents as to the possible detrimental effects of divorce on children and how to avoid these negative effects. In any other case involving custody, or visitation the court may, at the discretion of the judge, order one or both parties to attend a court-approved educational session.

- (2) The petitioner shall attend said program within forty-five (45) days of filing the petition or motion. The respondent shall attend said program within forty-five (45) days of the date of service of process or of receipt of

the petition or motion if service is waived. If the petitioner fails to attend said program within forty-five (45) days of the date of filing, the court may dismiss the pending case. If the respondent fails to attend said program within forty-five (45) days from the date respondent was served, the court may strike the responsive pleadings. The court may impose any other appropriate sanctions provided by law.

- (3) No dissolution of marriage, legal separation or paternity action involving minor children shall proceed to final hearing until there has been compliance with this order. This requirement may be waived by the judge assigned to the case for good cause.
- (4) The class will be conducted at such location as designated by the Presiding Circuit Court Judge. Registration will be thirty (30) minutes before the class begins. Parties residing outside the 28th Judicial Circuit may attend a parent education program offered in the circuit in which they live. If no program is offered within eighty (80) miles of a party's residence or if the party is not a resident of Missouri, the attendance requirement may be waived upon application to the court.
- (5) The cost of the parent education program shall be \$25.00 per participant and shall be collected by the clerk as part of the cost deposit at case filing.

The clerk shall pay the collected fees to the established "Parent Education Fund", which shall be used to pay the costs of parent education. The Secretary to the Presiding Circuit Judge is designated as custodian and treasurer of the parent education fund, and shall pay the charges for the parent education program from these fees.

- (6) Alternative Dispute Resolution Education Program.

In any contested dissolution of marriage, legal separation, motion to modify or paternity case, the petitioner and respondent will, within sixty (60) days after the date of service, attend an educational program on Alternative Dispute Resolution (ADR) as directed by the ADR Program Specialist. Upon completion of this program, the ADR Program Specialist shall file with the court a certificate of completion of this requirement.

68.7 COURT ORDERED MEDIATION

- (1) Following compliance with Rule 68.6 the court, at its discretion, may order mandatory mediation. Mediation shall be scheduled, by the parties, from an appointment calendar of court approved Mediators.

- (2) The Mediator shall be required to complete a Statement of NON-Compliance for any party which failed to appear at the mediation session. In the event the petitioner does not attend the program, the court may dismiss the pending case. If the respondent does not attend, the court may strike responsive pleadings. The court may impose any other sanctions provided by law.

68.8 PARENTING PLAN (Updated 1-04)

A proposed parenting plan shall be filed with the court as required by Section 452.310 RSMo.

68.9 FAMILY ACCESS MOTIONS (Effective 1-04)

- (1) At the time of filing for a Family Access Motion, the petitioner may request the form OSCA CV-137 from the circuit clerk. Clerks, under the supervision of the circuit clerk, shall explain to aggrieved parties the procedures for filing the form.
- (2) The Clerk shall provide information to both parties regarding Alternative Dispute Resolution services available at the time of filing and service of respondent.
- (3) Upon the return date on any contested motion, the court shall, unless good cause is otherwise shown, refer the case to the ADR Program Specialist for ADR services.

68.10 ALTERNATIVE DISPUTE RESOLUTION PROGRAM (Effective 1-04)

- (1) Pursuant to Supreme Court Rule 17 and 88.02 through 88.08, the court adopts the following Alternative Dispute Resolution program. In every contested case involving Family Law Disputes including; Dissolution of Marriage, Family Access, Modification, and Paternity cases, participation in a minimum of two (2) hours of mediation pursuant to this local court rule is required, unless waived by the court for good cause shown.
- (2) In all contested actions to which this rule applies, except motions for family access, both parties to the dissolution or motion shall attend a court-approved educational session to educate parties on the availability and advantages of Alternative Dispute Resolution. Each party shall attend said program within sixty (60) days of the date of service of process, or of receipt of the petition, or motion if service is waived. Counsel for the parties should discuss alternative dispute resolution with their clients.
- (3) At the PRE-TRIAL CONFERENCE the court will make inquiry as to the status of the case and will enter an order for Mediation if appropriate. If

the parties cannot agree on a mediator from the court-approved list of mediators, the case will be referred to the ADR Program Specialist for assignment of a mediator from the court-approved list to conduct mediation.

- (4) The minimum qualifications of mediators are as set forth in Supreme Court Rule 17.04 and 88.05.

68.10.1 ALTERNATIVE DISPUTE RESOLUTION SPECIALIST (Effective 1-04)

- (1) The ADR Program Specialist will maintain a list of court-approved mediators that will be available to attorneys, parties, and the public through the office of the Circuit Clerk. The list of mediators will include the mediator's training, qualifications, and other information deemed appropriate by the court.
- (2) Once the case is referred for mediation, the ADR Program Specialist will assign a mediator if the parties were unable to agree upon a mediator from the court-approved list of mediators. The ADR Program Specialist will schedule the first mediation session within thirty (30) days of the referral to mediation.
- (3) Any party may disqualify one (1) assigned mediator without cause within five (5) days of assignment of such mediator, but no later than the commencement of the initial mediation session, whichever occurs first. To disqualify a mediator, the parties should contact the ADR Program Specialist for reassignment. No additional disqualification is allowed.
- (4) Every thirty (30) days, the ADR Program Specialist will file a report with the court regarding the status of the case during mediation.

68.10.2 MEDIATOR RESPONSIBILITIES (Effective 1-04)

- (1) To be included on the court-approved list of mediators, the interested person must provide the court with the minimum information: business address, telephone number, fax number, e-mail address, if any; a copy of degrees and the institutions obtained therefrom; type and number of hours of mediation training with certification that the person has complied with Rule 88 requirements; current profession and hourly rate of mediation. A Mediator Registration form can be obtained by contacting the ADR Program Specialist.
- (2) If agreement is reached during mediation, a Memorandum of Agreement will be drafted by the Mediator and presented to the parties for submission to their attorneys, if any. Any understanding reached by the parties as a result of mediation shall not be binding upon the parties until it is reduced

to writing, signed by the parties and their attorneys, if any, and approved by the court.

- (3) The Mediator will submit Form 68.2 to the ADR Specialist within three (3) days following each mediation session. This form will serve to track the case progress and assess payment for mediation services.
- (4) The Mediator shall disclose the nature and extent of any relationship with the parties and any personal, financial, or other interests that could result in a bias or a conflict of interest.

68.10.3 TERMINATION OF MEDIATION (Effective 1-04)

- (1) At any time after two hours of mediation, either party may terminate mediation ordered under this rule.
- (2) The mediator shall terminate mediation whenever the mediator believes:
 - (a) Continuation of the process would harm or prejudice one or more of the parties or any child of the parties; or
 - (b) The ability or willingness of any party to participate meaningfully in mediation is so lacking that a reasonable agreement is unlikely.
- (3) The Mediator shall report the termination of mediation on Form 68-2, to the ADR Specialist within seven (7) days of termination of mediation. The ADR Program Specialist shall notify the court as soon as possible.

68.10.4 ADR PROGRAM COSTS (Effective 1-04)

- (1) The ADR Program will allow for two (2) two-hour sessions of ADR Services at the established fee of \$100.00 per hour. The ADR Project will automatically reimburse the first two-hour session on all cases for as long as funding will allow. If a participant meets the income guidelines established by the ADR Project, the ADR Project will also reimburse the second two-hour session for the participant as long as funding will allow.
- (2) All participants not meeting the income guidelines for the second two-hour session will be responsible for their share of the second two-hour session at the established fee of \$100.00 per hour.
- (3) Any sessions beyond the initial two sessions will be the responsibility of the participants regardless of income levels.

68.11 FAILURE TO COMPLY WITH RULE (Effective 03-04)

If a party fails to comply with any provision of this rule, the court may, upon its own motion or the motion of a party, after reasonable notice to all

parties, make such orders in regard to failure as are just and among others the following:

- (1) An order requiring the party who fails to timely attend a scheduled mediation session to pay to the mediator an amount as determined by the court up to the total cost for the mediation session.
- (2) An order requiring the party who fails to timely attend a scheduled mediation session to pay to the other party or parties required to attend the mediation session an amount as determined by the court for their lost wages and expenses in attending such session.
- (3) An order refusing to allow the disobedient party to support or oppose designated claims or defenses or prohibits the disobedient party from introducing designated matters in evidence.
- (4) An order treating as a contempt of court the failure to obey.
- (5) An order requiring the disobedient party or the attorney advising the disobedient party or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.
- (6) An order striking pleadings or parts thereof or staying further proceedings until the order is obeyed or dismissing the action or proceeding or any part thereof or, rendering a judgment by default against the disobedient party.
- (7) Upon a showing of reasonable excuse, the court may grant the disobedient party additional time to comply and, if appropriate, impose any further sanctions as set forth herein should the disobedient party not comply within such additional time period.

68.12 ENTRY OF JUDGMENT UPON AFFIDAVIT REQUIREMENTS
(Effective 3-1-00 and Updated 1-04, before 03-04 this was Rule 68.11)

- (1) Final Orders Entered-When.
Final orders in a proceeding for dissolution of marriage or legal separation, motions to modify, and actions for declaration of paternity may be entered upon the affidavit of either or both parties when:
 - (a) There are no minor children of the mother and father and the mother is not pregnant, or both parties have entered into a written agreement determining custody and child support; and
 - (b) The adverse party has been served in a manner provided by the Missouri Rules of Civil Procedure or has formally filed a verified entry of appearance or responsive pleading; and
 - (c) There is no genuine issue as to any material fact; and

(d) There is no marital property to be divided or the parties have entered into a written agreement for the division of their marital property.

(2) Affidavit-Filing.

If one party desires to submit the matter for entry of final orders upon an affidavit, the submitting party shall file an affidavit setting forth sworn testimony showing the Court's jurisdiction and factual averments sufficient to support the relief requested in the proceeding, together with a copy of the proposed Decree or Order, a copy of any written agreement proposed for adoption by the Court, a completed Form 14, and any other supporting evidence. The filing of such affidavit shall not be deemed to shorten any statutory waiting period required for entry of a Decree of Dissolution or Decree of Legal Separation.

(3) Hearing Required-When.

The Court shall not be bound to enter a Decree or Order upon the affidavits of either or both parties, but the Court may, upon its own motion, require that a formal hearing be held to determine any or all issues presented by the pleadings.

Rule 69. MUNICIPAL DIVISION – No rule.

Rule 70. PARTITION – No rule.

Rule 71. ADMINISTRATIVE REVIEWS – No rule.

Rule 72. PROBATE – No rule.

Rule 73. SMALL CLAIMS – No rule.

Rule 74. TRUST ESTATES – No rule.

74.1 INVENTORY – No rule.

74.2 REPORTS – No rule.

74.3 RECORD – No rule.

74.4 AUDIT – No rule.

POST-TRIAL

Rule 81. EXECUTION – No rule.

Rule 82. GARNISHMENT – No rule.

Rule 83. JUDICIAL SALES – No rule.

INTERNAL ORGANIZATION

Rule 100.

100.1 PRESIDING JUDGE – No rule.

100.1.1 ELECTION – No rule.

100.1.2 DUTIES OF PRESIDING JUDGE – No rule.

100.1.3 DISPUTE RESOLUTION-PROCEDURE – No rule.

100.2 LOCAL COURT RULES – No rule.

100.2.1 FORMULATION

These rules may be modified or revoked, in whole or in part, from time to time, as permitted by section 478.245, V.A.M.S.

100.2.2 PUBLICATION – No rule.

100.3 LIBRARY FUND

See rule 5.1(b).

RECORDS AND FILES

100.4 STORAGE OF RECORDS

100.4.1 REPRODUCTION, PRESERVATION, ARCHIVAL STORAGE AND DISPOSAL OF ORIGINAL CIRCUIT COURT FILES (AND THEIR CONTENTS) – No rule.

100.4.2 REPRODUCTION AND PRESERVATION OF COURT RECORDS OTHER THAN FILES (AND THEIR CONTENTS) – No rule.

100.4.3 RESPONSIBILITY FOR INDEXING AND PRESERVING COURT REPORTER NOTES – No rule.

100.4.4 IDENTIFICATION OF REPORTER'S NOTES – No rule.

100.4.5 INDEX – No rule.

100.4.6 STORAGE OF NOTES – No rule.

100.4.7 NOTES OF SUBSTITUTE REPORTERS – No rule.

- 100.4.8 STORAGE OF NOTES UPON RETIREMENT, TERMINATION OR DEATH OF COURT REPORTER – No rule.
- 100.4.9 BOXING AND STORING OF OLD NOTES – No rule.
- 100.4.10 RESPONSIBILITY FOR FURNISHING MATERIALS AND SPACE FOR STORAGE OF COURT REPORTER NOTES – No rule.
- 100.4.11 PROCEDURE FOR EXAMINATION OF CRIMINAL RECORDS – No rule.
- 100.4.12 PROCEDURE FOR EXPUNGING AND CLOSING CRIMINAL RECORDS – No rule.
- 100.5 CLERKS DUTIES
- (1) FILE MAINTENANCE
- The circuit clerk shall accept for filing and shall maintain the court files for all cases to be heard by a circuit judge. Those files shall continue to be maintained by the circuit clerk at all times thereafter notwithstanding that an associate circuit judge may be specially assigned.
- (2) PRESENCE IN COURTROOM – SHERIFFS AND CLERKS
- The sheriff or a deputy sheriff and a clerk shall be in the courtroom at all times when court is in session unless excused by the judge then presiding; provided however, this rule 100.5 shall not apply to sessions conducted by municipal judges. The sheriff or a deputy sheriff shall perform the duties of bailiff and shall maintain order in the courtroom. The clerk shall administer such oaths as are required to bailiffs and other officers of the court, to jurors and to witnesses. This rule shall apply in all divisions except municipal division. (Effective 8-13-84)
- 100.5.1 MONIES PAID INTO COURT – No rule.
- 100.6 SELECTION OF VENIREMEN – No rule.